IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 26327 of 2007(H)

AS.71/2001 of SUB COURT, PALA
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PETITIONER:

THOMMY, SON OF CHACKO,
CHERUVAN KALAYIL HOUSE, MEMURI, MANJOOR,
KOTTAYAM.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENT:

KURIEN SON OF FRANCIS, KUDAKANDY
MANNAKKANADU, KURICHITHANAM P.O.,
KOTTAYAM.

BY ADV. SRI.M.NARENDRA KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.26327/2007 H

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE AGREEMENT DTD. 16/02/1990.**

EXT.P2: **COPY OF THE PLAINT IN O.S.504 OF 1998 OF THE MUNSIFF COURT, PALAI DTD. 1/09/1998.**

EXT.P3: **COPY OF THE AFFIDAVIT AND PETITION DTD. 4/02/2005.**

EXT.P4: **COPY OF THE OBJECTION FILED BY THE RESPONDENT DTD. 22/03/2005.**

EXT.P5: **COPY OF THE PETITION AND ORDER SHEET IN A.S.71 OF 2001 DTD. 31/05/2007.**

/TRUE COPY/

P.S.TO JUDGE

KSS

M.N.KRISHNAN, J

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W.P.(C) No.26327 OF 2007

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Dated this the 26th day of October 2007

JUDGMENT

This writ petition is filed to set aside the order passed by the Sub Court, Pala in I.A.No.220/2005 in A.S.No.71 of 2001. The petitioner has produced a copy of the order said to be issued by the Sub Court, Pala, wherein nothing is discernible and the word dismissed is seen on 31.5.2007.It appears that there is no considered order on the application. If no considered order is passed, the learned Sub Judge is directed to consider I.A.No.220/2005 afresh and dispose of the petition in accordance with law. If really there is a considered order, a copy of which has not been issued to the party, the disposal of this writ petition will not cause a bar to the petitioner to approach this court for ventilating his grievance against the order. There will be a stay of further proceedings in the appeal till a decision is taken in the amendment application.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-